LAWS2500
Equity and Trusts
Session 2, Infrequent attendance, North Ryde 2021
Macquarie Law School

Contents

General Information 2
Learning Outcomes 3
General Assessment Information 3
Assessment Tasks 4
Delivery and Resources 5
Unit Schedule 6
Policies and Procedures 7
Changes since First Published 8

Disclaimer
Macquarie University has taken all reasonable measures to ensure the information in this publication is accurate and up-to-date. However, the information may change or become out-dated as a result of change in University policies, procedures or rules. The University reserves the right to make changes to any information in this publication without notice. Users of this publication are advised to check the website version of this publication [or the relevant faculty or department] before acting on any information in this publication.

Notice
Some on-campus classes have moved online for the first two weeks of Session, before returning to campus in Week 3. If you are studying a unit outside of the primary Session 2 timetable, please contact your teaching staff team for further details.

Some classes/teaching activities cannot be moved online and must be taught on campus. To find out if you are enrolled in one of these classes/teaching activities, you can check to see if your unit is on the list of units with mandatory on-campus classes/teaching activities.

Your Unit Convenor will provide more information via an iLearn announcement when your iLearn unit becomes available.
General Information

Unit convenor and teaching staff
Convenor, Lecturer, Tutor
Teresa Somes
teresa.somes@mq.edu.au
Contact via iLearn site
Level 5, Room 539, 6 First Walk
Wednesday 11.30-1pm

Tutor
Liza Rybak
liza.rybak@mq.edu.au
Tutor
Rod Smith
roderick.smith@mq.edu.au

Credit points
10

Prerequisites
LAWS216 or LAWS2200

Corequisites

Co-badged status

Unit description
This unit builds on student's knowledge of Property Law focusing on equitable notions of property, with a particular emphasis on the law of trusts. The unit examines the historical development of equity and its relationship to common law, the assignment and other dispositions of property in equity, the obligation of confidence in equity with respect to information, and fiduciary obligations. This unit will provide students with a theoretical grounding in the relevant principles as well as equip them with the capacity to apply these principles in practice.

Important Academic Dates
Information about important academic dates including deadlines for withdrawing from units are available at https://students.mq.edu.au/important-dates
Learning Outcomes

On successful completion of this unit, you will be able to:

**ULO1:** Critically analyse the legal doctrine and policy that underpins equity and trusts.

**ULO2:** Formulate and present oral and written arguments about equity and trusts, drawing upon relevant precedent and policy considerations.

**ULO3:** Analyse and resolve hypothetical problems, identifying legal and factual issues involving the law relating to equity and trusts.

General Assessment Information

Marking Rubrics

Detailed marking rubrics will be made available on iLearn. Markers in this unit undertake a process of 'blind marking' to establish a common marking standard and all Fail papers are double marked.

Late Submission Penalty

Unless a Special Consideration request has been submitted and approved, (a) a penalty for lateness will apply – 10 marks out of 100 credit will be deducted per day for assignments submitted after the due date – and (b) no assignment will be accepted seven days (incl. weekends) after the original submission deadline. No late submissions will be accepted for timed assessments – e.g. quizzes, online tests

Special Consideration

In the absence of a successful application for special consideration, any assessment task submitted after seven (7) days will not be graded and will receive a mark of zero. Applications for special consideration are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the Special Consideration policy for complete details of the policy and a description of the supporting documentation required.

Word Limits

Word limits will be strictly applied and work above the word limit will not be marked.

Assessment Submission

All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit.
## Assessment Tasks

<table>
<thead>
<tr>
<th>Name</th>
<th>Weighting</th>
<th>Hurdle</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Quizzes</strong></td>
<td>20%</td>
<td>No</td>
<td>Week 5: 17.00 27/08/2021: Week 11: 17.00 22/10/2021</td>
</tr>
<tr>
<td><strong>Annotated Bibliography</strong></td>
<td>30%</td>
<td>No</td>
<td>17.00 10/09/2021</td>
</tr>
<tr>
<td><strong>Take Home Final Assessment</strong></td>
<td>50%</td>
<td>No</td>
<td>18.00 15/11/2021 (opens 13.00)</td>
</tr>
</tbody>
</table>

### Quizzes

**Assessment Type**: Quiz/Test  
**Indicative Time on Task**: 5 hours  
**Due**: Week 5: 17.00 27/08/2021: Week 11: 17.00 22/10/2021  
**Weighting**: 20%  

Students will complete 2 quizzes during semester, one in first half of semester, one in second half.

On successful completion you will be able to:  
- Critically analyse the legal doctrine and policy that underpins equity and trusts.

### Annotated Bibliography

**Assessment Type**: Annotated bibliography  
**Indicative Time on Task**: 20 hours  
**Due**: 17.00 10/09/2021  
**Weighting**: 30%  

Students will be required to locate and record citations on a relevant topic area and offer a descriptive and evaluative paragraph on the annotation to inform on the relevance, accuracy and quality of the sources cited.

On successful completion you will be able to:  
- Critically analyse the legal doctrine and policy that underpins equity and trusts.  
- Formulate and present oral and written arguments about equity and trusts, drawing upon relevant precedent and policy considerations.  
- Analyse and resolve hypothetical problems, identifying legal and factual issues involving the law relating to equity and trusts.
Take Home Final Assessment

Assessment Type: Quiz/Test
Indicative Time on Task: 5 hours
Due: 18.00 15/11/2021 (opens 13.00)
Weighting: 50%

The final test may cover any or all topics and materials covered in the unit. The final assessment will be a time-limited task in the form of one problem question and one essay question.

On successful completion you will be able to:

• Critically analyse the legal doctrine and policy that underpins equity and trusts.
• Formulate and present oral and written arguments about equity and trusts, drawing upon relevant precedent and policy considerations.
• Analyse and resolve hypothetical problems, identifying legal and factual issues involving the law relating to equity and trusts.

1 If you need help with your assignment, please contact:
• the academic teaching staff in your unit for guidance in understanding or completing this type of assessment
• the Learning Skills Unit for academic skills support.

2 Indicative time-on-task is an estimate of the time required for completion of the assessment task and is subject to individual variation

Delivery and Resources

DELIVERY OF UNIT

Weekly Lectures (Internal and Distance Students)
Weekly lectures in this unit will be pre-recorded and available to students on iLearn. Weekly lectures will commence in Week 1 and go through to Week 12.

Weekly Seminars (Internal Students)
See iLearn

On Campus Sessions (Distance Students)
See iLearn
### RESOURCES

**Prescribed Materials**


**Other Recommended Material**

Barnett & Harder, Remedies in Australian Private Law (Cambridge University Press, 2nd ed, 2018)

Dal Pont, Equity and Trusts in Australia (Lawbook Co, 7th ed, 2019).

Evans, Equity and Trusts (LexisNexis, 4th ed, 2016)

### Unit Schedule

<table>
<thead>
<tr>
<th>Week (commencing)</th>
<th>Topic(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 (26 July)</td>
<td>History, Equitable Estates and Interests</td>
</tr>
<tr>
<td>2 (2 Aug)</td>
<td>Dispositions in Equity I</td>
</tr>
<tr>
<td>3 (9 Aug)</td>
<td>Dispositions in Equity II</td>
</tr>
<tr>
<td>4 (16 Aug)</td>
<td>Fiduciary Obligations: Participants in Breach of Fiduciary Obligations</td>
</tr>
<tr>
<td>5 (23 Aug)</td>
<td>Confidential Information</td>
</tr>
<tr>
<td>6 (3 Aug)</td>
<td>Introduction to Trusts</td>
</tr>
<tr>
<td>7 (6 Sept)</td>
<td>Express Trusts</td>
</tr>
<tr>
<td></td>
<td>MID-SESSION BREAK</td>
</tr>
<tr>
<td>8 (27 Sept)</td>
<td>Duties, Powers Rights of Trustees; Breach of Trust</td>
</tr>
<tr>
<td>9 (4 Oct)</td>
<td>Beneficiaries; Tracing</td>
</tr>
<tr>
<td>10 (11 Oct)</td>
<td>Charitable Trusts</td>
</tr>
<tr>
<td>11 (18 Oct)</td>
<td>Resulting Trusts</td>
</tr>
<tr>
<td>12 (25 Oct)</td>
<td>Constructive Trusts</td>
</tr>
</tbody>
</table>
Policies and Procedures

Macquarie University policies and procedures are accessible from Policy Central (https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- Academic Appeals Policy
- Academic Integrity Policy
- Academic Progression Policy
- Assessment Policy
- Fitness to Practice Procedure
- Grade Appeal Policy
- Complaint Management Procedure for Students and Members of the Public
- Special Consideration Policy (Note: The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.)

Students seeking more policy resources can visit the Student Policy Gateway (https://students.mq.edu.au/support/study/student-policy-gateway). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit Policy Central (http://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central).

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/admin/other-resources/student-conduct

Results

Results published on platform other than eStudent, (eg. iLearn, Coursera etc.) or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in eStudent. For more information visit ask.mq.edu.au or if you are a Global MBA student contact globalmba.support@mq.edu.au

Student Support

Macquarie University provides a range of support services for students. For details, visit http://students.mq.edu.au/support/

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to help you improve your marks and take control of your study.
Student Enquiry Service
For all student enquiries, visit Student Connect at ask.mq.edu.au
If you are a Global MBA student contact globalmba.support@mq.edu.au

Equity Support
Students with a disability are encouraged to contact the Disability Service who can provide appropriate help with any issues that arise during their studies.

IT Help
For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the Acceptable Use of IT Resources Policy. The policy applies to all who connect to the MQ network including students.

Changes since First Published

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/07/2021</td>
<td>Exam date moved from 12 November 1-6pm to 15 November 1-6pm</td>
</tr>
</tbody>
</table>